



June 26, 2014

**Tom Vilsack
Secretary, United States Department of Agriculture
1400 Independence Ave SW
Washington, DC 20250**

CITIZEN PETITION

Consumer Reports Food Safety and Sustainability Center and the undersigned submit this petition under 5 U.S.C. 553(e)) and 7 CFR 1.28 and 9 CFR 392 to request the Secretary of Agriculture to issue an interpretive rule prohibiting the “natural” label on meat and poultry products.

We believe consumers are being misled by the “natural” label and are providing recent national poll data, conducted by the Consumer Reports National Research Center, that underscores this assertion.

The Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) both state that meat and poultry shall be “misbranded” if its “labeling is false or misleading in any particular” (21 USC §601(n)(1)) and 21 USC §453(h)(1)).

The current definition of “natural” used by the USDA to approve the “natural” label on meat and poultry addresses only the absence of artificial ingredients in the final product and minimal processing, which we believe to be misleading to consumers and therefore not consistent with the FMIA and PPIA labeling requirements.

We believe that the difference is drastic between the USDA’s current definition of “natural” for meat and poultry and what people think the “natural” label should mean.

We have also submitted a citizen petition to the Food and Drug Administration, which regulates the labeling of foods other than meat and poultry products, requesting that the “natural” label be prohibited on those foods as well. The Federal Food, Drug and Cosmetics Act, similar to the

FMIA and PPIA, states that foods are misbranded if their labeling is misleading (21 USC §343(a)(1)). We believe that the use of the “natural” label on any food currently misleads consumers.

As outlined in detail below, nationally representative surveys of U.S. consumers, conducted in 2007, 2008 and April 2014 by the Consumer Reports National Research Center, strongly suggest that a majority of U.S. consumers are misled by the “natural” label on meat and poultry, and have consistently expected the “natural” label on meat and poultry products to mean more than just “minimal processing” and “no artificial ingredients.”

Our survey shows that 68% of U.S. consumers think that the “natural” label means that the animal was not given growth hormones, 60% think no antibiotics and other drugs were given to the animals, 64% think that feed did not contain genetically engineered organisms and 60% think the feed contained no artificial ingredients. These numbers suggest that the majority of U.S. consumers are currently misled by the “natural” label on meat and poultry, since the “natural” label does not guarantee these requirements were met.

In our 2007 survey, 83% of consumers expected meat and poultry labeled “natural” to come from an animal that was raised in a natural environment. In 2008, 85% of consumers responded that they think the “naturally raised” claim should mean the animal was raised in a natural environment, and 77% believed that the animal should have access to the outdoors.

When asked what they think the “natural” label *should* mean in our 2014 survey, 89% believe the animal should not be given growth hormones, 85% believe the animals’ diet should have no artificial ingredients and no GMOs, 81% believe the animal should not be given antibiotics or other drugs, and 66% believe that the animals should be able to go outdoors.

These survey results suggest that nearly two-thirds of U.S. consumers are misled by the “natural” label on meat and poultry products, and nearly 90% expect it to mean much more than it does. We believe that meat and poultry with misleading “natural” claims are misbranded, as outlined by the FMIA and PPIA.

STATEMENT OF ACTION REQUESTED

We request that the USDA issue an interpretive rule prohibiting the “natural” label on meat and poultry by amending the Food Standards and Labeling Policy Book to specifically prohibit the use of the “natural” label, which is a misleading label.

FSIS regulations do not define the “natural” claim, but the claim is defined in the FSIS “Food Standards and Labeling Policy Book,” which provides guidance but is not a formal rule. The USDA states that this Policy Book provides guidance and helps manufacturers prepare labels that “are truthful and not misleading.” The Policy Book defines “natural claims” as follows:

The term “natural” may be used on labeling for meat products and poultry products, provided the applicant for such labeling demonstrates that:

(1) the product does not contain any artificial flavor or flavoring, coloring ingredient, or chemical preservative (as defined in 21 CFR 101.22), or any other artificial or synthetic ingredient; and (2) the product and its ingredients are not more than minimally processed.

The FSIS definition says nothing about how the animal was raised, its living conditions, whether it was physically altered, its feed, and drugs and growth hormones it was administered. We do not agree that this definition helps manufacturers comply with the FMIA and PPIA by ensuring their labels are truthful and misleading.

Given consumer expectation and our survey results, we request that the following section replace the section above:

The term “natural” is misleading to consumers and may not be used on labeling for meat products and poultry products.

We request that the “natural” label on meat and poultry be prohibited.

STATEMENT OF GROUNDS: LEGAL

U.S. citizens have the right to petition the government to add, amend or repeal rules under the First Amendment of the U.S. Constitution and the Administrative Procedure Act (5 U.S.C. 553(e)), and may petition to amend USDA rules under 7 CFR 1.28 and 9 CFR 392.

Under this authority, the petitioners request that the Secretary of Agriculture amend the Food Standards and Labeling Policy Book by prohibiting the use of the “natural” label.

STATEMENT OF GROUNDS: FACTUAL

The FSIS has primary responsibility for the regulation of food labeling for meat and poultry products under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA). The FMIA states that a meat or meat food product shall be “misbranded” if its “labeling is false or misleading in any particular” (21 USC §601). The PPIA states that any poultry product shall be deemed “misbranded” if “its labeling is false or misleading in any particular” (21 USC§453(h)(1)).

Currently, the United States Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulations, 9 CFR 412.1 and 412.2, require that the “natural” label on meat and poultry be submitted to the FSIS for approval.

The USDA's Food Safety and Inspection Service (FSIS) considers label claims on meat and poultry on a case by case basis, including the "natural" claim. According to the USDA, the claim "natural" may be used for meat and poultry products if the product contains no artificial flavor, color, or chemical preservative, or any other artificial or synthetic ingredient, and the product is minimally processed.

To determine whether consumers are currently misled by "natural" labels, and what consumers expect from the label, the Consumer Reports National Research Center conducted a nationally representative survey of U.S. consumers in April 2014. We conducted a similar consumer survey in 2007, and in 2008 we conducted a survey asking about the "naturally raised" label on meat and poultry. Survey findings support our petition, showing that a majority of consumers are currently misled by the "natural" label, and the vast majority of consumers reasonably expect the "natural" label to cover how the animal was raised, its diet, drugs it was administered, whether artificial growth hormones were used, and outdoor access.

Antibiotics, growth hormones and other drugs

Our survey results show that consumers are misled by the "natural" label as it is currently used on meat and poultry. Sixty-eight percent of consumers think that animals raised for meat and poultry sold as "natural" were not given artificial growth hormones, and 60% believe no antibiotics or other drugs were used. This is not the case, and shows consumers are currently misled.

A number of steroid hormone drugs are approved in beef production. These hormones are implanted in beef cattle to speed up growth, and some of the approved drugs are synthetic versions of natural hormones. Meat from these animals can be sold as "natural." However, consumers reasonably believe that they cannot be since implanting artificial growth hormones to speed up growth is not a "natural" way to raise beef cattle.

Animals raised for "natural" meat and poultry may also be fed sub-therapeutic doses of antibiotics and other drugs daily, regardless of whether they are ill. According to the FDA, more than 13.5 million kilograms (nearly 30 million pounds) of antimicrobial drugs were sold and distributed for use in food-producing animals in 2011.

As expressed by the Centers for Disease Control and Prevention (CDC) in a September 2013 report, feeding antimicrobial drugs, including those that are critical to human medicine such as tetracyclines and penicillins, gives rise to antibiotic-resistant human pathogens and raises serious public health concerns.

In a 2007 Consumer Reports National Research Center poll, nearly 9 out of 10 consumers indicated that meat labeled "natural" should come from animals that were raised on a diet

without drugs and chemicals. In a 2008 poll, 86% of consumers responded that the “naturally raised” label should mean the animal’s diet was free of chemicals and drugs.

According to our 2014 survey, 89% of consumers believe that meat sold as “natural” should come from animals that were not given artificial growth hormones, and 81% believe that meat and poultry sold as “natural” should come from animals that were not given antibiotics or other drugs.

Feed

Consumers are also misled about the meaning of the “natural” label and the animals’ feed. Currently, feed given to animals whose meat will eventually be sold as “natural” may include genetically engineered corn and soybeans and artificial ingredients. Yet 64% of consumers very reasonably believe that meat and poultry sold as “natural” means the animals were not fed a diet containing genetically engineered organisms, and 60% think that their feed contained no artificial ingredients or colors.

A large portion of livestock feed consists of corn and soybeans, including finishing rations for beef cattle. Not only is a grain-based diet not the natural diet of cattle, which are ruminants that naturally feed on forage and pasture, but the grain in the rations is likely genetically engineered.

Ninety-three percent of soybeans and 85% of corn in the United States are grown from genetically engineered seed. Genetic engineering is different from conventional breeding: it requires intensive genetic overwriting to allow for genetic changes that cannot occur in nature, such as combining genes of bacteria and viruses with genes of plants, or combining genes from different species of animals. We do not believe that genetically engineered crops used in animal feed qualifies as “natural.”

The FDA also allows a long list of artificial ingredients in animal feed. By definition, these artificial ingredients are not “natural.” It is also worth noting that many of the artificial substances in the feed can be transferred to the meat, and end up in the final product that the consumer buys. Artificial ingredients allowed in animal feed include formaldehyde, which can be a component of beef and non-lactating dairy cow feed, propylene glycol, butane, ammonium hydroxide, propylparaben, sulfur dioxide and many others.

Artificial ingredients are even allowed as energy sources for the animals, such as 1,3-butylene glycol, which is allowed as an energy source in pig feed, or protein sources, such as synthetic methionine in poultry feed. Even polyethylene plastic pellets that replace natural sources of fiber and roughage in the diet, are used in cattle feed.

As noted above, in our 2007 survey results, nearly 9 out of 10 consumers indicated that meat labeled “natural” should come from animals that were raised on a diet without chemicals and

artificial ingredients. In 2008, 85% of consumers believed that the “naturally raised” label should mean the animal ate a natural diet.

According to our 2014 survey, 85% of consumers believe that the “natural” label on meat and poultry should mean that the animals were given a diet that contained no genetically engineered organisms and no artificial ingredients or colors.

Living conditions

Our 2014 survey results show that nearly half of consumers are misled about the meaning of the “natural” label as it pertains to outdoor access: 48% think that animals raised for “natural” meat and poultry went outdoors.

Chickens and pigs labeled as “natural” may be raised in crowded barns without outdoor access. This means that the animals were not able to engage in natural behaviors. Animals are routinely physically altered to compensate for destructive behavior that results from unnatural, stressful and crowded living conditions. This includes beak trimming of laying hens, dehorning or disbudding of beef cattle, and tail docking and teeth filing of pigs.

For chickens, foraging and pecking are natural behaviors, and outdoor runs have a much higher number and diversity of stimuli that allow for these natural behaviors than any indoor environment can provide. Outdoor runs also allow the animals to exercise, which benefits their health, and gives the animals access to fresh air and sunshine that are not available in indoor confinement.

When given the opportunity, domestic pigs will spend several hours per day rooting and foraging, feeding on grass, roots, tubers, acorns, nuts, berries and small animals. When confined indoors, the animals are not able to engage in these natural behaviors. Tail docking and teeth filing are common management practices to prevent tail biting, which likely results from frustration due to living in a stressful environment and the inability to engage in natural behaviors.

In our 2007 survey, 83% of consumers expected meat and poultry labeled “natural” to come from an animal that was raised in a natural environment. In 2008, 85% of consumers responded that they think the “naturally raised” claim should mean the animal was raised in a natural environment, and 77% believed that the animal should have access to the outdoors.

According to our 2014 survey, two-thirds of consumers believe that meat and poultry labeled “natural” should come from an animal that was able to go outdoors.

CONCLUSION

The FMIA and PPIA state that labels on meat and poultry must not be false and misleading, and our survey results show that consumers are currently widely misled by the “natural” label.

A majority of U.S. consumers currently believe that the “natural” label on meat and poultry means certain requirements were met, such as no artificial growth hormones and no antibiotics and other drugs were administered to the animals, their feed contains no artificial ingredients and GMOs. Nearly half of U.S. consumers think the animals were able to go outdoors. A majority of consumers believe that the “natural” label *should* mean no artificial growth hormones, antibiotics or other drugs, no artificial ingredients or GMOs in the feed, and the animals were able to go outdoors.

As our surveys show, consumers have over the years consistently expected more from the “natural” label on foods derived from animals. Since we first asked consumers about their expectations for “natural” claims on meat and poultry in 2007, the vast majority have responded that they expect the “natural” claim to go beyond the absence of artificial ingredients and minimal processing, and to include how the animal was raised. We believe it is time for the USDA to address the misleading nature of the “natural” claim and ensure that it comports with the expectations that consumers have had for years.

Given the widespread confusion among consumers about the label, we urge the USDA to issue an interpretive rule to prohibit the use of the “natural” label on meat and poultry, to ensure the products are not misleading to consumers.¹

Respectfully Submitted,

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¹ Regardless of whether the USDA grants this petition, we believe that the use of the “natural” label on any food misleads consumers and may therefore be actionable under state and federal laws prohibiting misleading labeling and marketing. By filing this petition, we do not give up our right to pursue any remedies available to us under state or federal law.

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